

REMARKS

Claims 1-8 remain pending in the present application. Claims 1-8 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

REJECTION UNDER 35 U.S.C. § 102

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Mittmann (U.S. Pat. No. 4,456,423). Claim 1 has been amended to claim that the flexible diaphragm member defines a sealed chamber to/from which a fluid is charged/discharged. As described on page 10 the fluid is charged to the sealed chamber of the diaphragm to expand it as shown in Figure 3A and it is discharged from the sealed chamber of the diaphragm to collapse it as is shown in Figure 3B.

Mittmann discloses an elastic edge which is deformed due to the air pressure but Mittmann does not disclose a diaphragm which defines a sealed chamber which is charged/discharged with a fluid.

Thus, Applicant believes Claim 1, as amended, patentably distinguishes over the art of record. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 2 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwenk (U.S. Pat. No. 4,531,671) in view of Mittmann (U.S. Pat. No. 4,456,423). As stated by the Examiner, Schwenk discloses all the limitations of the claims except a

flexible diaphragm. The Examiner then looks to Mittmann to find the flexible diaphragm. The above discussion to Mittmann applies here also.

Claims 1, 2 and 4 have been amended to claim that the flexible diaphragm member defines a sealed chamber to/from which a fluid is charged/discharged. As described on page 10 the fluid is charged to the sealed chamber of the diaphragm to expand it as shown in Figure 3A and it is discharged from the sealed chamber of the diaphragm to collapse it as is shown in Figure 3B.

Thus, Applicant believes Claims 1, 2 and 4 patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

ALLOWABLE SUBJECT MATTER

Claims 3 and 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 3 depended from Claim 2. Claim 5 depended from Claim 4. Claims 6-8 depended from Claim 1. Claims 3 and 5-8 have been amended to independent form to include the limitations of their respective base claim and are thus believed to be allowable.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office

Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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